

JUN 28 2001

OFFICE OF PETITIONS



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/784,631	02/15/2001	Jose A. Fernandez-Pol	42108.0106

CONFIRMATION NO. 2674

FORMALITIES LETTER



Simpson Coburn LLP
One Firstar Plaza
St. Louis, MO 63101

Date Mailed: 04/24/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

06/26/2001 HNDOR1 00000087 200823 09784631

FILED UNDER 37 CFR 1.53(b)

01 FC:203 18.00 CH
02 FC:204 135.00 CH
03 FC:205 65.00 CH

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$153.
 - \$18 for 2 total claims over 20.
 - \$135 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 218.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 - more than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1));

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 28 2001

OFFICE OF PETITIONS

In re Application of: Fernandez-Pol)
:
Filed: 02/15/2001)
:
For: PHARMACOLOGICAL AGENT)
AND METHOD OF TREATMENT :

Application No.: 09/784,631

Commissioner of Patents and Trademarks
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION

Commissioner:

In response to the Notice to File Missing Parts of Nonprovisional Application, please enter the enclosed Declaration and Power of Attorney, signed by Michael G. Douglas on behalf of the inventor, Jose Fernandez-Pol, petition under 37 C.F.R. §1.47(b) and substitute drawings in compliance with 37 C.F.R. §1.84 into the record of the above-identified patent application.

Applicant acknowledges that a balance is due and hereby authorizes the Assistant Commissioner to charge Deposit Account No. 20-0823 the \$218 balance. Applicant also authorizes the Assistant Commissioner to credit any additional overpayment and to charge any additional fee required.

If there are any questions or concerns Applicant's attorney may continue to be reached at the telephone number and address provided below.

Respectfully submitted,

Thompson Coburn LLP

By Ahaji Kirk Amos
Ahaji Kirk Amos
Reg. No. 46,831
One Firststar Plaza
St. Louis, MO 63101
(314) 552-6580
(314) 552-7580 FAX

Enclosure: Substitute drawings
 Copy of original Notice to File Missing Parts of Nonprovisional Application
 Signed Declaration and Power of Attorney
 Petition under 37 C.F.R. §1.47

CC: Caroline Chicoine (w/o encl.)
 Chris Jones (w/o encl.)
 Lionel Lucchesi (w/o encl.)
 Avi Amin (w/o encl.)
 Michael Douglas (w/o encl.)

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.
42108.0106 (42108/25508)

In Re Application Of: **Fernandez-Pol**



Serial No.
09/784,631

Filing Date
2/15/01

Examiner
not yet assigned

Group Art Unit
1614

Invention: **PHARMACOLOGICAL AGENT AND METHOD OF TREATMENT**

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JUN 28 2001

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
4/24/01
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ _____ verified small entity declaration(s)
 - ☐ is/are attached.
 - ☐ was/were filed on _____
- ☐ A separate request for refund.

☒ Other (list):

Response to Notice to File Missing parts of Nonprovisional Application,
Corrected Drawings, 11 sheets,
Petition Under 37 C.F.R. Section 1.47(b),
Copy of the Board of Director Minutes for Novactyl, Inc.
Copy of the Recorded Assignment

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.
42108.0106 (42108/25508)

In Re Application Of: **Fernandez-Pol**

Serial No.
09/784,631

Filing Date
2/15/01

Examiner
not yet assigned

Group Art Unit
1614

Invention: PHARMACOLOGICAL AGENT AND METHOD OF TREATMENT

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Attention: Manager, Application Branch

☒ Completion of application fees as calculated below:

- | | |
|---|-----------------|
| <input type="checkbox"/> Utility application filing fee | _____ |
| <input type="checkbox"/> Design application filing fee | _____ |
| <input type="checkbox"/> Total number of independent claims = _____ | _____ |
| <input checked="" type="checkbox"/> Total number of claims = <u>22</u> | <u>\$18.00</u> |
| <input checked="" type="checkbox"/> Multiple dependent claims | <u>\$135.00</u> |
| <input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath | <u>\$65.00</u> |
| <input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor | _____ |
| <input type="checkbox"/> Fee for processing an application filed with a non-English language specification | _____ |
| <input type="checkbox"/> Fee for processing and retention of application | _____ |

Total completion of application fees \$218.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: _____ until: _____
Date Date

Total time extension fees _____

Total fees due \$218.00

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.
42108.0106 (42108/25508)

In Re Application Of: **Fernandez-Pol**

Serial No.
09/784,631

Filing Date
2/15/01

Examiner
not yet assigned

Group Art Unit
1614

Invention: **PHARMACOLOGICAL AGENT AND METHOD OF TREATMENT**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Attention: Manager, Application Branch

The fee of **\$218.00** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **20-0823**
A duplicate copy of this sheet is enclosed.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **20-0823**
A duplicate copy of this sheet is enclosed.


Signature

Dated: **6/27/01**

**Ahaji Kirk Amos, Reg. No. 46,831
Thompson Coburn LLP
One Firststar Plaza
St. Louis, MO 63101
314-552-6123 (phone)
314-552-7123 (fax)**



21888

PATENT TRADEMARK OFFICE

CC:

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

06-25-01

016
S. 4676

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)		Docket No.
Applicant(s): Fernandez-Pol		42108.0106(42108/25508)

Serial No. 09/784,631	Filing Date 2/15/01	Examiner not yet assigned	Group Art Unit 1614
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Invention: PHARMACOLOGICAL AGENT AND METHOD OF TREATMENT	RECEIVED JUN 28 2001
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OFFICE OF PETITIONS

I hereby certify that the following correspondence:

Response To Notice To File Missing Parts of Application; Copy of Notice To File Missing Parts From US PTO and 11 Sheets of Corrected Formal Drawings; Petition Under 37 C.F.R. Section 1.47(b); Signed Declaration and Power of Attorney; Copy of the Board of Director Meeting Minutes for Novactyl, Inc. and a copy of the Recorded Assignment

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

6/22/01

(Date)

Eileen L. Curran

(Typed or Printed Name of Person Mailing Correspondence)

Eileen L. Curran

(Signature of Person Mailing Correspondence)

EL474183531US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.